

J004 Rec'd OCT/PTO

16 NOV 2005

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Atty's Dkt: ORNTOFT1

In re Application of:  
 Torben ORNTOFT  
 Serial No. 10/533,547  
 IA Filing Date: November 3, 2003  
 For: GENE EXPRESSION IN BIOLOGICAL CONDITIONS

) Application Division  
 ) **ATTN: PCT**  
 ) Washington, D.C.  
 ) Confirmation No. 9355  
 ) Date: November 16, 2005

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated September 28, 2005. Attached hereto is/are:

- [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information. It is noted that the first inventor's middle name was misspelled in the transmittal letter. It is stated correctly in the enclosed declaration.
- [ ] An exact English language translation of the PCT application as originally filed.
- [ ] Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages \_\_\_\_ of the specification and new claims \_\_\_\_ to be used for examination.
- [ ] A Preliminary Amendment [ ] Fees are reduced due to elimination of claim multiple dependencies.
- [ ] Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
- [XX] An Information Disclosure Statement with 08A- 1449 and 4 references.
- [XX] Additional fees as calculated below:

|  |                        |            |
|--|------------------------|------------|
| [XX] Search fee  |                        | \$400.00   |
| [XX] Examination fee   |                        | \$200.00   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [XX] 30 months from the earliest claimed priority date (37 CFR 1.492(e)). |                        | \$130.00   |
| Number of each additional 50 pages or fraction thereof (round up to a whole number)  | RATE                   |            |
| 3  | X \$250.00             | \$750.00   |
| Number of Claims Previously Paid For   | Number of Extra Claims | Rate       |
| 51- 20 =   | 31                     | X \$ 50.00 |
| 6- 3 =   | 3                      | X \$200.00 |
| Multiple Dependent Claims (if applicable)  | + \$360.00             | \$         |
| <b>TOTAL OF ABOVE CALCULATIONS</b>   |                        | \$3,630.00 |
| Reduction of ½ for filing by small entity, if applicable. Applicant claims small entity status.<br>See 37 CFR 1.27.                                      |                        | <\$ >      |
| <b>SUBTOTAL</b>  |                        | \$3,630.00 |
| Processing fee of \$130.00 for late furnishing of the English translation.   |                        | \$         |
| <b>TOTAL NATIONAL FEE</b>  |                        | \$3,630.00 |

[XX] Total fees enclosed: \$ 3,630.00

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ 3,630.00 is enclosed to cover the above fees.

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By:

Iver P. Cooper  
 Registration No. 28,005



## UNITED STATES PATENT AND TRADEMARK OFFICE

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|  |                       |                  |
|--|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.  | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/533,547   | Torben Orntoft        | ORNTOFT1         |
| <span style="border: 1px solid black; padding: 5px; display: inline-block;">RECEIVED</span><br><span style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;">SEP 30 2005</span><br><span style="border: 1px solid black; padding: 2px 10px; display: inline-block;">BROWDY AND NEIMARK<br/>WASHINGTON, D.C. 20004</span> |                       |                  |
| <span style="border: 1px solid black; padding: 2px 10px; display: inline-block;">INTERNATIONAL APPLICATION NO.</span><br><b>PCT/DK03/00750</b>   |                       |                  |
| <span style="border: 1px solid black; padding: 2px 10px; display: inline-block;">I.A. FILING DATE</span> <span style="border: 1px solid black; padding: 2px 10px; display: inline-block;">PRIORITY DATE</span><br><b>11/03/2003</b> <b>11/01/2002</b>  |                       |                  |
| <b>CONFIRMATION NO. 9355</b><br><b>371 FORMALITIES LETTER</b><br><br><span style="font-size: small;">*OC000000017117000*</span>  |                       |                  |

Date Mailed: 09/28/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/02/2005
- Copy of the International Search Report filed on 05/02/2005
- Preliminary Amendments filed on 05/02/2005
- Request for Immediate Examination filed on 05/02/2005
- U.S. Basic National Fees filed on 05/02/2005
- Priority Documents filed on 05/02/2005
- Specification filed on 05/02/2005
- Claims filed on 05/02/2005
- Abstracts filed on 05/02/2005
- Drawings filed on 05/02/2005

*MSP: 28ND2005*

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$2150** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$3630** for a Large Entity:

- **\$130 Surcharge.**

- The specification and drawings contain more than 100 pages. Applicant owes **\$750** for **129** pages in excess of **100** pages for a non-small entity.
- The application search fee has not been paid. Applicant must submit **\$400** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

- Total additional claim fee(s) for this application is **\$ 2150**

- **\$600** for **3** independent claims over **3**.
- **\$1550** for **31** total claims over **20**.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

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Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/533,547                  | PCT/DK03/00750                | ORNTOFT1         |